

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00269

Natasha N. Starnes,
Plaintiff,

v.

Family Dollar Stores of Texas, LLC,
Defendant.

Before BARKER, *District Judge*

ORDER

Family Dollar Stores filed a notice of removal to federal court on June 24, 2019. Doc. 1. Pursuant to 28 U.S.C. § 636(b)(1) and (3), the case was referred to United States Magistrate Judge K. Nicole Mitchell. On October 18, 2019, the parties filed a joint motion to remand the case to the 188th Judicial District Court, Gregg County, Texas. Doc. 5. Remand is appropriate, according to the parties, because this court lacks jurisdiction. *Id.* The purported basis for this court's jurisdiction was diversity of citizenship. *Id.* The diversity statute provides federal jurisdiction only for cases in which the amount-in-controversy exceeds \$75,000. 28 U.S.C. § 1332. The parties agree that the amount-in-controversy in this case does not meet that threshold. Doc. 5. On October 29, 2019, Judge Mitchell issued a report and recommendation that the parties' joint motion to remand be granted. Doc. 6. No party has objected to the report and recommendation.

Once a party is served with a copy of a magistrate judge's report and recommendation, the party has 14 days to file any objections. Fed. R. Civ. P. 72(b)(2). When no party objects to the report and recommendation, the district court "need only satisfy itself that there is no clear error on the face of the record." *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc) (quoting Fed. R. Civ. P. 72(b) advisory

committee's note (1983)), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending time to object from 10 to 14 days)). As there is no clear error in the magistrate judge's report and recommendation, the court **adopts** it.

Therefore, the parties' joint motion to remand (Doc. 5) is **granted**. This action is **remanded** to the 188th Judicial District Court, Gregg County, Texas. Any pending motions are **denied as moot**. The clerk of the court is **directed** to mail a copy of this order via certified mail to the clerk of the 188th District Court, Gregg County, Texas, and then close this case.

So ordered by the court on December 6, 2019.



J. CAMPBELL BARKER
United States District Judge